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Letter dated 29 June 2005 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I wish to refer to the letter dated 31 May 2005 from the Permanent Representative of Turkey to the United Nations addressed to you (A/59/820-S/2005/355), and to apprise you of the positions of my Government regarding the Turkish proposals contained therein.

The Government of Cyprus remains committed to a fair and sustainable resolution of the Cyprus problem, which will be mutually and freely agreed by both communities, and "based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions in a bi-communal and bi-zonal federation", pursuant to Security Council resolution 939 (1994).

It is regrettable that this long-standing agreed basis for a Cyprus settlement is progressively being eroded by Turkey's consistent aim of promoting a secessionist entity in the occupied part of Cyprus, consolidating the faits accomplis and disclaiming all responsibility for the ongoing violations of human rights in Cyprus emanating from the de facto partition of the island. The Turkish positions explicitly deviate in letter and spirit from the reunification goal, as provided for by Security Council resolutions, and suggest a parallel coexistence of two sovereign entities functioning independently side by side, to which Turkey has aspired since long before 1974. Even more disturbing is Turkey's attempt to use as a pretext the need to improve the economic situation of the Turkish Cypriot community, which is strongly supported and pursued both by the international community and the Government of Cyprus, in order to upgrade an illegal secessionist entity and therefore secure and perpetuate its military presence on the island.

The assumption presented in the above-mentioned letter, that the rejection of the Annan Plan by the Greek Cypriot community and the accession of the Republic of Cyprus to the European Union have created an entirely new situation, is not an honest assessment of the existing reality, but rather is a selective and misleading interpretation, serving a political agenda. Although both events had an impact on

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Cyprus, neither event was able to reverse the existing situation on the ground nor were they meant to absolve Turkey of its responsibilities regarding Cyprus. As the European Court of Human Rights notes in a recent ruling concerning Cyprus (application No. 46347/99, Xenides-Arestis v. Turkey), the fact that the Greek Cypriots rejected the Annan Plan does not entail recognition of the secessionist entity or confer statehood upon it. Nor does it entail the legal consequence of bringing to an end the continuing violation of the rights of dispossessed persons, since Turkey continues to exercise effective overall control of the occupied area of Cyprus and is therefore responsible for any acts committed either by its own troops illegally stationed in Cyprus or by its subordinate local administration. Similarly, the accession of the Republic of Cyprus to the European Union, while creating a new dynamic for achieving a settlement, does not bring to an end the de facto division of the island, nor does it change the nature of the factors that sustain the partition. Therefore, pending a settlement, "the application of the *acquis* upon accession has been suspended pursuant to Article 1 (1) of Protocol 10, in the areas of the Republic of Cyprus in which the Government of the Republic does not exercise effective control".

The argument put forward by the Turkish side, that Turkish Cypriots continue to face difficulties arising from the ongoing so-called political, economic, cultural and social "isolation", although they have fulfilled their responsibilities by voting in favour of the Annan Plan, is baseless. Both Turkish Cypriots and Greek Cypriots fulfilled their responsibilities by freely and democratically expressing their views on the specific plan. Moreover, what is erroneously described as "isolation" of the Turkish Cypriots is nothing more than the consequence of the illegal occupation of Cyprus and its subsequent division, which is, to this day, sustained by military means, and the refusal of the Turkish leadership to comply with principles of international law, established rules and procedures and decisions of the Court of Justice of the European Communities.

Furthermore, the continued occupation, which renders the Government of Cyprus unable de facto to exercise control over the whole island, cannot affect the Government's indisputable sovereign right to determine which of its ports and airports are open and functioning. Neither the process of bi-communal talks over the years, nor any recent developments could be invoked to impair the legal personality of the Republic of Cyprus, a sovereign State and a Member of the United Nations and the European Union. The submission of the Annan Plan to referendums cannot simply change the indisputable fact that Turkey remains responsible not only for the existing status quo, but also for the difficulties the Turkish Cypriots are facing, due to the continuation of the division of Cyprus, the consequences of which seriously affect the Greek Cypriots as well, since one third of the Cypriot population continue to be deprived of their basic human rights, including the right to return to their homes and use their properties. On a more general note, it is disturbing that the Turkish side is constantly engaging in an attempt to reverse responsibility for the existing situation in Cyprus by presenting the Turkish Cypriot community as the victim of Greek Cypriots. Distorting the facts in order to present an image that fits well with the impression Turkey wants to project in order to prevail in the outside world must stop. The futile attempt to shift the focus from the fact that the source of the problem is the invasion and occupation of Cyprus by Turkey is poisoning all efforts aimed at rapprochement. Moreover, denying the very heart of the problem and trying to disguise its raison d' être with false allegations only adds insult to the injury.

What Turkey portrays as "another concrete initiative for paving the way to reaching a just, durable and comprehensive solution", summarized in the five points contained in the aforementioned letter, contravenes international law and Security Council resolutions by attempting to upgrade the status of the illegal entity established by use of force in the northern part of Cyprus and to elaborate policies for which Turkey has been repeatedly condemned in various international forums.

At a time when utmost restraint and caution are required in order to reach common ground on maintaining efforts to achieve a solution, the pursuit of such views reveals Turkey's insistence on its well-known separatist positions and its refusal to cooperate for the benefit of all Cypriots. Even more disturbing is the attempt to distort the decisions of various international forums and to present Turkish aims as being compatible with international law.

A concrete measure in the right direction might be strengthening cooperation on bi-communal projects, aiming at building confidence and improving the climate between the two communities, such as the ambitious policy launched by the Government of Cyprus during the past two years, which aims at procuring tangible economic and other benefits for the Turkish Cypriot community.

In particular, in the past two years, the Government of Cyprus has been providing Turkish Cypriots with a generous package of measures, which include, among others, social benefits, free medical care, employment opportunities (according to a Turkish Cypriot Chamber of Commerce report dated 17 January 2005, there are 10,000 Turkish Cypriot skilled workers employed in Government-controlled areas, receiving approximately $180 million in salaries), issuance of the Republic of Cyprus passports, identity cards, birth certificates, etc. The Government of the Republic of Cyprus has been also working since April 2004 to expand the intra-island trade of wholly obtained industrial goods and eligible agricultural products produced in the occupied area, subject to the procedures and rules of the European Union (green-line regulation). Furthermore, the Government of the Republic of Cyprus has advocated that the 259 million euros earmarked for the period 2004-2006, by the European Union for the Turkish Cypriots in the event of a Cyprus settlement, be made available as from now. Moreover, the Government has asked that the number of crossing points at the dividing line for both persons and goods be increased, in agreement with the United Nations and the Turkish Cypriot side, while unilaterally implementing a programme to demine National Guard minefields in the buffer zone. Unfortunately, despite those efforts, the Turkish leadership insists on promoting the illegal regime in the north and, in many instances, opts to sacrifice the economic advancement of the Turkish Cypriot community for the sake of achieving its political ends.

It is time for Turkey to set aside its well-known separatist positions and to demonstrate in concrete and practical terms, and not through groundless proclamations, the good will needed to bring the two communities closer. As a first step, the Turkish authorities could cooperate constructively in resolving with utmost urgency the tragic humanitarian problem of missing persons in Cyprus by proceeding with effective investigations to determine the fate and whereabouts of missing persons. Another gesture of good will on the part of Turkey could be the restoration of the status quo ante in Strovilia, for which Turkish military forces are held responsible.

The Republic of Cyprus is determined to continue to work towards a solution that will meet the hopes and expectations of both communities, for a common future for all Cypriots, free of outside interference. The Republic of Cyprus also remains committed to striving for the economic development, the welfare and the respect of the human rights of all its citizens, in all areas, without discrimination. Despite the difficulties faced by the de facto division of the island, the Government of Cyprus spares no effort in facilitating for Turkish Cypriots their benefit of all services of the Republic, as well as all benefits that Cypriots are entitled to as a result of Cyprus' accession to the European Union.

I would be grateful if the text of this letter would be circulated as a document of the General Assembly, under agenda item 29, and of the Security Council.

(*Signed*) Andreas D. **Mavroyiannis**